

Message Text

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43

ACTION NEA-12

INFO OCT-01 ISO-00 JUSE-00 PM-07 L-03 NSC-10 CIAE-00

DODE-00 INR-10 NSAE-00 PA-04 RSC-01 USIA-15 PRS-01

SPC-03 SAM-01 OMB-01 SCS-03 SCA-01 SS-20 DRC-01 CPR-02

SNM-02 DEAE-00 SY-10 NEAE-00 /108 W

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P 211614Z FEB 74

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC PRIORITY 2881

INFO AMCONSUL ADANA PRIORITY

AMCONSUL ISTANBUL PRIORITY

AMCONSUL IZMIR PRIORITY

C O N F I D E N T I A L ANKARA 1309

E.O. 11652: GDS

TAGS: CASC, PFOR, TU

SUBJ: REPORTED EXCLUSION OF FOREIGNERS FROM AMNESTY

REFS: A) ANKARA 1280; B) ANKARA 1299

BEGIN SUMMARY: PROMINENT ATTORNEY WHOM WE HAVE BEEN CONSULTING ON NARCOTICS OFFENDERS AND RELATED ISSUES, TELLS US DRAFT AMNESTY LEGISLATION WHICH DISCRIMINATES AGAINST FOREGNS AND NARCOTICS OFFENDERS MAY REFLECT PRACTICAL POLITICAL COMPRPXISE DIFFICULT TO CHANGE. END SUMMARY.

1. PROF. UGUR ALACAKAPTAN, WITH WHOM WE HAVE BEEN CONSULTING ON PROBLEMS ARISING FROM US CITIZEN NARCOTICS OFFENDERS, DISCUSSED WITH US TODAY, FEB 21, THE DRAFT AMNESTY LEGISLATION BEING WORKED OUT BY AN RPP-NSP COMMITTEE. ALACAKAPTAN IS WELL ACQUAINTED WITH TWO OF THE RPP MEMBERS OF THIS COMMITTEE AND IN FACT SOME WEEKS AGO HAD BEEN A MEMBER OF A GROUP MAKING SPECIFIC RECOMMENDATIONS TO THE COMMITTEE. HIS PRESENT INFO IS THAT THIS DRAFT LEGISLATION WILL BE GOING TO THE PRIMIN
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TODAY OR TOMORROW, FEB 22. IT REPRESENTS A TOUGH

POLITICAL COMPROMISE BETWEEN THE TWO COALITION PARTNERS AND, BECAUSE OF THIS FACT, ALACAKAPTAN, DECIDED THAT IT MIGHT WELL GO TO PARLIAMENT IN ITS PRESENT FORM, WITH THE RPP BELIEVING ANY KIND OF AMNESTY WOULD BE BETTER THAN NONE.

3. ACCORDING TO ALACAKAPTAN'S INFO, THE NSP HAS BEEN RESPONSIBLE FOR THE DISCRIMINATORY AND RESTRICTIVE PROVISIONS. TWO MAJOR PROVISIONS AFFECT US AND FOREIGN CITIZENS NOW IN TURKISH JAILS:

A. QUOTE FOREIGNERS WILL BENEFIT FROM THE AMNESTY LAW (ONLY) ON RECIPROCAL BASIS AND PROVIDED THERE EXISTS APPROPRIATE (EXTRADITION OR PRISONER EXCHANGE) TREATIES BETWEEN THE COUNTRIES CONCERNED. UNQUOTE
B. THE KEY CRIMINAL CODE ARTICLES 403 AND 404 DEALING WITH NARCOTICS OFFENSES ARE EXCLUDED FROM THE AMNESTY.

3. ALACAKAPTAN WAS EXTREMELY PESSIMISTIC ABOUT PROSPECTS THAT THE NPS WOULD CHANGE ITS POSITION AND POINTED OUT THAT OTHER RESTRICTIONS INSERTED BY NSP MEMBERS AFFECTED A SUBSTANTIAL NUMBER OF TURKISH PRISONERS FOR WHOM THE RPP HAD BEEN SEEKING HELP. IT WAS IVSSIBLE, ALACAKAPTAN CONJECTURED, THAT THE CONSTITUTIONAL COURT WOULD EVENTUALLY THROW OUT SOME OF THE DISCRIMINATORY PROVISIONS AND THAT IN A YEAR OR SO THE RPP MIGHT SEEK ANOTHER AMNESTY. ALACAKAPTAN LEFT HIS MEETING WITH US TO GO TO PARLIAMENT AND SEEM SOME MPS INVOLVED IN THIS AMNESTY. HE PROMISED TO GIVE US THE AUTHORIZED VIERSON OF THE LEGISLATION AS SOON AS HE OBTAINED A COPY. HE ALSO PREDICTED THAT THE LEGISLATION WOULD NOT BE INTRODUCED AS A GOVT BILL BUT, RATHER AS A SO-CALLED PRIVATE BILL, TO WHICH ALL MP'S IN ADDITION TO THE RPP AND NPS MEMBERS WOULD BE INVITED TO AFFIX THEIR SIGNATURES.

4. WE DID NOT INFORM ALACAKAPTAN OF PRIMIN ECEVIT'S COMMENTS TO THE AMB (REF B) THAT A DISCRIMINATORY AMNESTY OF THIS KIND WOULD BE UNACCEPTABLE TO HIM.

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5. COMMENT: IN LIGHT OF THE PRIMIN'S REMARKS, WE WILL HAVE TO WAIT AND SEE WHAT AMNESTY VERSION FINALLY EMERGES. THIS MAY BE A MATTER OF DAYS, IF ALACAKAPTAN'S PREDICTIONS PROVE ACCURATE.
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